

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DEBORAH ASHCRAFT,**

**Plaintiff,**

**7:11-CV-139**

**v.**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**Thomas J. McAvoy,  
Senior United States District Judge**

**DECISION and ORDER**

This matter was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report and Recommendation dated December 12, 2011 (“Report-Recommendation”), Magistrate Judge Baxter recommended that the Commissioner’s decision be reversed, and this action be remanded for calculation of benefits for the closed period in question: August 28, 2003 until August 10, 2005. No objections to the Report and Recommendation have been lodged and the time for filing objections has expired.

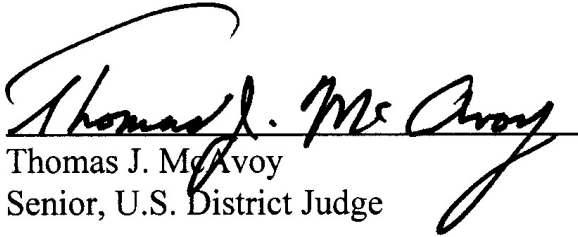
**CONCLUSION**

After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice. Therefore, the Court **ADOPTS** the Report and Recommendation for the reasons stated therein. The Commissioner’s decision is

**REVERSED**, and this action is **REMANDED** for calculation of benefits for the closed period in question: August 28, 2003 until August 10, 2005.

**IT IS SO ORDERED.**

Dated: February 17, 2012

  
Thomas J. McAvoy  
Senior, U.S. District Judge